AMENDMENT TO AGREEMENT

This amendment to an Agreement (hereinafter, "Amendment") is entered into between the Los Angeles County Sheriff's Department, (hereinafter referred to as "Department"), and Deputy Daniel Rodriguez, Employee No. [redacted] (hereinafter referred to as "Deputy Rodriguez").

This Amendment modifies the Agreement between the parties which was signed by Deputy Rodriguez and Captain Patrick A. Nelson on November 17, 2014, (hereinafter referred to as "Agreement"). The Agreement and this Amendment resolve all issues involved in the Agreement under IAB No. 2349889, upon the terms and conditions hereinafter set forth.

Now, therefore, the Department and Deputy Rodriguez, for and in consideration of mutual covenants contained in the Agreement and herein, agree as follows.

1. Except as specifically modified in this Amendment, the Agreement remains in effect.

2. The parties mutually agree that below listed EBD classes will be deleted:

    - Anger Management & Effective Communication class (8 hours)
    - Basic Tactical Communication class (8 hours)

    And replaced with:

    - Anger Awareness-Management class (4 hours)
    - Shift In-Service Briefings (8 hours)

3. The parties agree that the foregoing Amendment and the Agreement comprise the entire agreement between the parties and there have been no other promises made by any party. Any modification of such agreement must be in writing.

I have read the foregoing Amendment and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For Sheriff's Department:

Date: 9/22/15

Daniel Rodriguez, Deputy #[redacted]

Date: 9/22/15

Patrick A. Nelson, Captain
Lancaster Station

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: December 9, 2014

OFFICE CORRESPONDENCE FILE NO 2349889

FROM: CECIL M. JOHNSON, SOAI
INTERNAL AFFAIRS BUREAU

TO: JUDY A. GERHARDT, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: DOREEN GARCIA

SUBJECT: **DISCIPLINARY ACTION - SUSPENSION**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **DANIEL RODRIGUEZ**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO.: **DEPUTY SHERIFF, 2708A**

UNIT/DIVISION: **LANCASTER STATION**

DATE OF LETTER: **DECEMBER 2, 2014**

DISCIPLINE: **FIVE (5) DAYS**

EFFECTIVE DATE(S): **DECEMBER 8, 2014 THROUGH DECEMBER 12, 2014**

RECEIVED BY:

Doreen Garcia 12/9/14

PERSONNEL (SIGNATURE) DATE

DOREEN GARCIA

PERSONNEL (PRINT NAME)

***** PLEASE RETURN ALL SIGNED RECEIPTS TO VIRGINIA VASQUEZ OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE****

TIMEKEEPING NOTIFICATION

Please return this form with the ORIGINAL signed employee signature page AND the Admonition and Receipt (when applicable) with all the necessary signatures to:

VIRGINIA VASQUEZ
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
323-890-5314

CASE NUMBER:	**IAB 2349889**
SUBJECT NAME:	**DANIEL RODRIGUEZ**
NUMBER OF SUSPENSION DAYS	**FIVE (5) DAYS**
SUSPENSION DATE(S):	**DECEMBER 8, 2014 THROUGH DECEMBER 12, 2014**
UNIT OF ASSIGNMENT:	**LANCASTER STATION**
SIGNATURE OF CAPTAIN/ OPERATIONS LIEUTENANT/ SERGEANT/ OR SUPERVISOR:	LT. RANDY HARRIS
DATE NOTIFIED:	12/2/14

** PLEASE RETURN THIS FORM TO INTERNAL AFFAIRS BUREAU WITHIN TWO (2) BUSINESS DAYS **

SUSPENSION

ADMONITION AND RECEIPT

Upon the occasion of being suspended from duty on this date 12/8/14, at 1600 hours, **DANIEL RODRIGUEZ**, Employee #[redacted] assigned **LANCASTER STATION**, surrendered the following items of County property:

- ☑ Firearm: Serial # BER[redacted],
- ☑ Pin on Badge # [redacted],
- ☑ ID Card and Flat Badge # [redacted] / [redacted].

Employee: **DANIEL RODRIGUEZ** has been instructed and cautioned that action in the capacity of a Los Angeles County Deputy Sheriff, along with the carrying of a concealed firearm, is prohibited until reinstatement to duty status.

RECEIVED BY:

LT. MARTINEZ
[redacted]

ACKNOWLEDGED BY:

c: Subject
Unit
IAB (Original)

December 2, 2014

Deputy Daniel Rodriguez, #[redacted]

[redacted]

Dear Deputy Rodriguez:

On November 5, 2014, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2349889. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated November 17, 2014, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days. However, pursuant to the EBD agreement, ten (10) of the fifteen (15) days will be held in abeyance for a period of twelve (12) months which will end on November 16, 2015. All Department records will reflect, nevertheless, that you received a fifteen (15) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the ten (10) days held in abeyance will be imposed.

The effective dates for the remaining five (5) day suspension are from December 8, 2014 through December 12, 2014.

An investigation under File Number IAB 2349889, conducted by Lancaster Station, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about November 9, 2013, while on duty, you failed to perform to standards established for your position, when after being involved in a use of force

incident you provided false information and/or inaccurate information to your superiors regarding your use of force, as evidenced by but not limited to:

a. stating that the suspect was not handcuffed during the incident, and/or words to that effect, and/or;

b. stating that only one hand of the suspect was handcuffed, and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Patrick A. Nelson, Captain
Lancaster Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

PAN:DLM:vv

c: Advocacy Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
Personnel Administration
Lancaster Station/unit Personnel File



3-01/050.10 PERFORMANCE TO STANDARDS

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced,
- An unwillingness or inability to perform assigned tasks,
- Failure to conform to work standards established for the member's rank or position,
- Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention,
- Absence without leave,
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations,
- A written record of repeated infractions of the Department's rules, regulations, manuals or directives.

04/01/96 MPP

3-01/040.70 FALSE STATEMENTS

Members shall not make false statements when questioned, interviewed or in reports submitted.

04/01/96 MPP

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2349889*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

12/02/14

DATE

DANIEL RODRIGUEZ, #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***DANIEL RODRIGUEZ*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

12/02/14

DATE

WITNESS SIGNATURE

LT. RANDY HARRIS

WITNESS PRINT

Please return this page along with

Timekeeping Notification within

two (2) business days to:

VIRGINIA VASQUEZ

INTERNAL AFFAIRS BUREAU

4900 S. EASTERN AVE. #100

CITY OF COMMERCE CA 90040

(323) 890-5314

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Daniel Rodriguez, Employee No. [redacted], hereinafter referred to as "Deputy Rodriguez."

The Department and Deputy Rodriguez are parties to this dispute and desire to settle all issues involved in IAB No. 2349889 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Deputy Rodriguez for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the fifteen (15) day suspension shall stand. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold ten (10) days in abeyance pending completion of the below listed training. The remaining five (5) suspension days shall be imposed.

3. Deputy Rodriguez understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this agreement, the ten (10) days held in abeyance shall be imposed. In addition, Deputy Rodriguez understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Deputy Rodriguez's records will reflect that the fifteen (15) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, Deputy Rodriguez understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

5. Deputy Rodriguez further agrees to attend and complete the below listed EBD classes and understands that failure to complete the classes and assignment shall result in the imposition of the ten (10) days held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Anger Management & Effective Communication class (8 hours)
- Basic Tactical Communication class (8 hours)
- Deputy Leadership Institute class (16 hours)
- Write an evaluation reflecting on your experience with the EBD process

6. The Department may adjust Deputy Rodriguez's schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.

7. Deputy Rodriguez agrees to cooperate with his Unit Commander to complete the classes as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

2/21 updated V.V.

8. Deputy Rodriguez further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

10. In consideration of the terms and conditions set forth herein, Deputy Rodriguez agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Rodriguez concerning the subject matter referred to herein.

11. Deputy Rodriguez further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

13. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 11/17/14

Daniel Rodriguez, Deputy #[redacted]

Date: 11/17/14

Patrick A. Nelson, Captain
Lancaster Station



County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 5, 2014

Deputy Daniel Rodriguez, #[redacted]
[redacted]

Dear Deputy Rodriguez:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under IAB File Number 2349889, conducted by Lancaster Station coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about November 9, 2013, while on duty, you failed to perform to standards established for your position, when after being involved in a use of force incident you provided false information and/or inaccurate information to your superiors regarding your use of force, as evidenced by but not limited to:

   a. stating that the suspect was not handcuffed during the incident, and/or words to that effect, and/or;

   b. stating that only one hand of the suspect was handcuffed, and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Brenda Stewart, of Internal Affairs Bureau, at (323) 890-5313, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Patrick A. Nelson, Captain
Lancaster Station

PAN:DLM:bs

c: Advocacy Unit
Employee Relations Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
(File # IAB 2349889)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2349889.***

11/05/14

Date

DANIEL RODRIGUEZ, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***DANIEL RODRIGUEZ.***

(PN)
11/05/14

Date

WITNESS SIGNATURE

PATRICK NELSON

WITNESS PRINT

**Please return this page within two (2)
business days to:**

BRENDA STEWART
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5313

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: August 26, 2014
FILE No: IV #2349889

DISPOSITION SHEET

FROM: PATRICK A. NELSON, CAPTAIN
LANCASTER STATION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **DANIEL RODRIGUEZ #[redacted]**
DEPUTY SHERIFF
LANCASTER STATION
NORTH PATROL DIVISION

Upon consideration of the facts developed in this investigation, I have determined that Subject Rodriguez, **be suspended** from his position as a Deputy Sheriff for 15 days for the reasons set forth in the attached documentation. This decision may be reconsidered based upon the employee's response.

Patrick A. Nelson, Captain

8/27/14
Date

CASE REVIEWED BY:

Michael J. Parker, Commander
10/19/14
Date

Jacques A. La Berge, Chief
10/28/14
Date

DANIEL RODRIGUEZ EMP #[redacted]
DEPUTY SHERIFF
LANCASTER STATION
NORTH PATROL DIVISION

IAB # IV 2349889

The evidence in this investigation supports the following charges:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements, on or about November 9, 2013, while on duty, Subject Rodriguez failed to perform to standards established for his position, when after being involved in a use of force incident he provided false information and/or inaccurate information to his superiors regarding his use of force, as evidenced by but not limited to:

    a. stating that the suspect was not handcuffed during the incident, and/or words to that effect, and/or;

    b. stating that only one hand of the suspect was handcuffed, and/or words to that effect.

TABLE OF CONTENTS

TABLE OF CONTENTS
IAB #IV 2349889

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
02/14/2014	1	Lancaster Station	# IV 2349889

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
Performance to Standards; MPP 3-01/050.10
Making False Statements to a Supervisor about a Force Incident; MPP 3-01/040.70

DATE, TIME, DAY OF OCCURRENCE	RELATED URN FILE No. IF APPLICABLE
November 9, 2013, 1802 hours, Saturday	913-19898-1127-145

LOCATION OF OCCURRENCE: [redacted] Sunview Court, Lancaster, CA 93535

SOURCE OF COMPLAINT: ☐ COMMUNITY ☒ SUPERVISION W/C REPORT No. ____ ☐ OTHER SOURCES (SPECIFY) ____

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 1	Rodriguez	Daniel	NMI	Deputy Sheriff Generalist	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
Lancaster Station	01/01/2011	North Patrol Division

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	H	Bro	Bro	5'07	150	[redacted]	[redacted]

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
03/14/2008	[redacted]	TAPE CD 1 OF 1 SIDE ☐ A ☐ B DATE 3/26/2014 TIME 1800

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
		NONE	

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. OF					

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
		TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
		NONE	

CODE: C - COMPLAINANT, W - WITNESS   ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☒ YES ☐ NO

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 1 OF 10	Wainie	Byron	R	M	B	[redacted]

RESIDENCE ADDRESS: Los Angeles County Sheriff's Department Lieutenant
RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Lancaster Station
CDL OR LASD EMPLOYEE NO. [redacted]
BUS. PHONE (AREA CODE) (661) 948-8466
INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 SIDE ☐ A ☐ B DATE 3/1/2014 TIME 2138

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 2 OF 10	Bergo	Christopher	K	M	W	[redacted]

RESIDENCE ADDRESS: Los Angeles County Sheriff's Department Sergeant
RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Lancaster Station
CDL OR LASD EMPLOYEE NO. [redacted]
BUS. PHONE (AREA CODE) (661) 948-8466
INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 SIDE ☐ A ☐ B DATE 2/26/2014 TIME 1949

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Pfrehm, Paul	Lieutenant	[redacted]	(signature)	082714
ASSISTING INVESTIGATOR	**RANK**	**EMP. No.**	**DATE SUBMITTED**	
Martinez, Richard	Lieutenant	[redacted]	8/27/14	

SH-AD-669-2/93   IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS; INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE.
6	ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)
1	AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)
1	Request for Administrative Investigation Memo
2	Los Angeles Sheriff's Department Mandatory IAB Notification Report
3	Los Angeles Sheriff's Department Incident Report #913-19898-1137-145
4	Los Angeles Sheriff's Department Supervisor's Report on the Use of Force #913-19898-1137-145
5	Los Angeles Sheriff's Department Supplemental Report #913-19898-1137-145, written by Witness Perez
6	Los Angeles Sheriff's Department Supplemental Report #913-19898-1137-145, written by Witness Orantes

On November 9, 2013, Subject Rodriguez was on-duty and used force on an assaultive suspect. He made false statements regarding the details of the force incident and reported to a supervisor the suspect was unhandcuffed during the application of force. He contacted that supervisor the next day and admitted he had made false statements when he reported the details of his application of force. His written report was truthful regarding the circumstances of his application of force. His behavior was inconsistent with the Department's Core Values and could have exposed the Department to liability and damaged community relations.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
SUBJECT CONTINUATION PAGE

I.A.B. FILE No. # IV 2349889

SUBJECT No. OF | LAST NAME | FIRST NAME | M.I. | RANK OR TITLE | EMP No.

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT
☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX | RACE | HAIR | EYES | HEIGHT | WEIGHT | D.O.B. | AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON
TAPE ______ OF ______ SIDE ☐ A ☐ B DATE ______ TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT No. OF | LAST NAME | FIRST NAME | M.I. | RANK OR TITLE | EMP No.

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT
☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX | RACE | HAIR | EYES | HEIGHT | WEIGHT | D.O.B. | AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON
TAPE ______ OF ______ SIDE ☐ A ☐ B DATE ______ TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT No. OF | LAST NAME | FIRST NAME | M.I. | RANK OR TITLE | EMP No.

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT
☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX | RACE | HAIR | EYES | HEIGHT | WEIGHT | D.O.B. | AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON
TAPE ______ OF ______ SIDE ☐ A ☐ B DATE ______ TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SH-AD-670-2/93

SUBJECT DISCIPLINE HISTORIES CAN BE CONTINUED ON ADDITIONAL SUBJECT CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
COMPLAINANT / WITNESS CONTINUATION PAGE

I.A.B. FILE No. # IV 2349889

CODE: C - COMPLAINANT, **W** - WITNESS

CODE: W | No. 3 OF 10 | LAST NAME: Pearcy | FIRST NAME: Kevin | M.I.: R. | SEX: Male | RACE: W | D.O.B. [redacted]

RESIDENCE ADDRESS: Los Angeles County Sheriff's Department Sergeant | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Lancaster Station | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (661) 948-8466

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 3/20/2014 | TIME 1910

CODE: W | No. 4 OF 10 | LAST NAME: Perez | FIRST NAME: Estavan | M.I.: (NMN) | SEX: Male | RACE: H | D.O.B. [redacted]

RESIDENCE ADDRESS: Los Angeles County Sheriff's Department Deputy | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Lancaster Station | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (661) 948-8466

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 2/27/2014 | TIME 2030

CODE: W | No. 5 OF 10 | LAST NAME: Orantes | FIRST NAME: Lewis | M.I.: R. | SEX: M | RACE: H | D.O.B. [redacted]

RESIDENCE ADDRESS: Los Angeles County Sheriff's Department Deputy | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Lancaster Station | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (661) 948-8466

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 6/28/14 | TIME 2030

CODE: W | No. 6 OF 10 | LAST NAME: Mills | FIRST NAME: Cory | M.I.: D. | SEX: M | RACE: W | D.O.B. [redacted]

RESIDENCE ADDRESS: Los Angeles County Fire Department Firefighter | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 44851 30th Street East, Lancaster, CA, 93535 | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (661) 726-0732

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 2/22/1014 | TIME 1830

CODE: W | No. 7 OF 10 | LAST NAME: Kahle | FIRST NAME: Cole | M.I.: R. | SEX: M | RACE: W | D.O.B. [redacted]

RESIDENCE ADDRESS: Los Angeles County Fire Department Paramedic | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 1846 East Avenue K-4, Lancaster, CA, 93535 | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (661) 726-0732

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 2/22/2014 | TIME 1805

CODE: W | No. 8 OF 10 | LAST NAME: Jerzek | FIRST NAME: Scott | M.I.: R | SEX: M | RACE: W | D.O.B. [redacted]

RESIDENCE ADDRESS: Los Angeles County Fire Department Captain | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 1846 East Avenue K-4, Lancaster, CA, 93535 | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (661) 946-0471

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 3/3/2014 | TIME 1530

CODE: W | No. 9 OF 10 | LAST NAME: [redacted] | FIRST NAME: [redacted] | M.I.: [redacted] | SEX: M | RACE: W | D.O.B. [redacted]

RESIDENCE ADDRESS: [redacted] | RES. PHONE (AREA CODE) ( ) [redacted]

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: [redacted] | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) [redacted]

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 3/13/2014 | TIME 1355

CODE: W | No. 10 OF 10 | LAST NAME: [redacted] | FIRST NAME: [redacted] | M.I.: [redacted] | SEX: M | RACE: B | D.O.B. [redacted]

RESIDENCE ADDRESS: [redacted] | RES. PHONE (AREA CODE) ( ) [redacted]

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: [redacted] | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) ( ) [redacted]

INTERVIEW TAPE RECORDED ON: TAPE CD 1 OF 1 | SIDE ☐ A ☐ B | DATE 2/27/2014 | TIME 1500

INVESTIGATIVE SUMMARY

DANIEL RODRIGUEZ #[redacted]
DEPUTY SHERIFF
LANCASTER STATION
NORTH PATROL DIVISION

IAB # IV 2349889

INVESTIGATIVE SUMMARY:

On November 9, 2013, Subject Rodriguez was assigned to work Unit 112 PM shift from 1400 hours to 2200 hours. At 1802 hours, he was assigned the handle on a "carjacking now" call (tag #267) at [redacted] Sunview Court in Lancaster.

Subject Rodriguez arrived at 1806 hours, and with the help of Witness (Sergeant) Bergo, Witness Perez and Witness Orantes, together they detained the suspect (Witness [redacted]) without incident. Witness [redacted] was handcuffed and seated in the back seat of Subject Rodriguez's radio car. Witness Bergo and Witness Orantes left the location.

A short time later, Subject Rodriguez requested "assistance" at that location. Witness Bergo responded back to the location, along with Witness Pearcy and Witness Orantes.

Subject Rodriguez reported to Witness Bergo and Witness (Sergeant) Pearcy he had unhandcuffed Witness [redacted] in order for paramedics to evaluate the injuries on Witness [redacted] hands. Witness [redacted] broke free of Subject Rodriguez's grasp and "head butted" a paramedic (Witness Kahle). Subject Rodriguez punched Witness [redacted] one time in the face, ending the assault.

Witness Bergo relayed the details of the force to the PM shift Watch Commander (myself), and initiated a use of force investigation. At the end of my shift, I relayed the force details to the EM shift Watch Commander (Witness Wainie) and asked him to complete an IAB notification report, as Witness [redacted] had suffered a facial injury, and was waiting to receive treatment at a local hospital.

Witness Wainie called Subject Rodriguez at home and asked him questions in order to clarify the sequence of events leading up to the force incident, prior to Witness Wainie contacting IAB. Subject Rodriguez told Witness Wainie he had removed one handcuff from Witness [redacted] when the assault of Witness Kahle occurred. Witness Wainie telephone the on call IAB Lieutenant and notified him of the facial injury to Witness [redacted] Witness Wainie then completed the IAB notification paperwork.

The following day, Subject Rodriguez of his own volition, contacted Witness Bergo and stated he provided false statements when he said Witness [redacted] was unhandcuffed when he struck him. Deputy Rodriguez admitted Witness [redacted] was still handcuffed when the force occurred. Subject Rodriguez repeated this fact to the PM shift Watch Commander, Witness Wainie. Witness Wainie requested an Administrative Investigation (Exhibit A).

DANIEL RODRIGUEZ #[redacted]
DEPUTY SHERIFF
LANCASTER STATION
NORTH PATROL DIVISION

IAB # IV 2349889

On February 10, 2014, I, Lieutenant Pfrehm, was assigned this case.

Witness: [redacted]

On February 17, 2014, at 1525 hours, I interviewed Witness [redacted] in the lock up facilities at the Michael J. Antonovich Courthouse in Lancaster. The interview was digitally recorded. Witness [redacted] was in custody for assault on Witness Kahle. Mr. [redacted] refused to discuss this incident with me.

Witness: Lieutenant Byron Wainie

On March 1, 2014, at 2138 hours, I interviewed Witness Byron Wainie in the conference room at Lancaster Station. The interview was digitally recorded.

Prior to the interview, Witness Wainie was provided an Admonition for Witnesses Form, which he reviewed, signed, and said he understood. Witness Wainie answered "yes" and marked "yes" to the two questions on the admonition form indicating he had the Policy and Ethics Chapter of the Manual of Policy and Procedures and was familiar with its contents. I initialed the markings. The following is a summation of that interview:

He was the Watch Commander at Lancaster Station for the EM shift on November 10, 2013. He said I advised him of a use of force which occurred during the previous shift, and had asked him to complete a mandatory IAB notification form, as Witness [redacted] had suffered a facial injury.

He remembered that I had told him that Witness Bergo advised me Subject Rodriguez had punched a suspect who had one hand unhandcuffed, one time in the face, after Witness [redacted] had assaulted a paramedic. Witness Wainie called Subject Rodriguez's cell phone, and left him a message to call him, as he wanted to verify the version of events which led to the use of force, prior to completing the IAB form.

A short time later, Subject Rodriguez returned his call and told him he had taken both handcuffs off Witness [redacted] not just one handcuff, as I had reported to him. Subject Rodriguez told him that this was done at the request of paramedics, prior to Witness [redacted] assaulting the paramedic. Witness Wainie stated he surmised there had been a miscommunication between him and myself regarding if Witness [redacted] had one or two hands unhandcuffed, and overlooked the discrepancy.

Witness Wainie stated he conducted the Watch Commander interview of Witness [redacted] in the Lancaster Station jail. He said Witness [redacted] appeared to be under the influence of a drug. Witness [redacted] did not clearly indicate if he was unhandcuffed at the time he was punched. Witness Wainie completed the IAB form. (Exhibit B)

Shortly after the 1400 hour briefing the following day, he was contacted by Subject Rodriguez and Witness Bergo. Subject Rodriguez told him he had not accurately described the force incident, and said Witness [redacted] was handcuffed, not unhandcuffed, when he punched him, as he had previously stated when he spoke to Witness Wainie.

Based on Subject Rodriguez's admission to him of providing false statements, Witness Wainie requested an Administrative Investigation.

<u>Witness:</u> Sergeant Christopher Bergo

On February 26, 2014, at 1949 hours, I interviewed Witness Christopher Bergo at the Lancaster Sheriff's Station.

Prior to the interview, Witness Bergo was provided an Admonition for Witnesses Form, which he reviewed, signed, and said he understood. Witness Bergo answered and marked "Yes" to the two questions on the form regarding if he had the Policy and Ethics Chapter of the Manual of Policy and Procedures and was familiar with its contents. I initialed the markings. The following is a summation of that interview:

On November 9, 2013, he was assigned as a Field Sergeant and responded to [redacted] Sunview Court, in Lancaster, regarding a "carjacking now" call. He arrived and assisted in taking Witness [redacted] into custody with Subject Rodriguez. The arrest was made without incident and he left the location. About one minute later, he heard an "assistance" request at the location. He returned to Sunview Court and was told by Subject Rodriguez he had just used force on Witness [redacted].

Witness Bergo stated upon his arrival back at the location, Subject Rodriguez appeared emotionally excited and eager to report his use of force. Subject Rodriguez started to provide the force details prior to Witness [redacted] being detained in the radio car and was told to wait until Witness [redacted] was properly detained.

Witness Bergo conducted a force investigation and said Suspect Rodriguez told him he removed one handcuff from Witness [redacted] at the request of the paramedics, in order for the paramedics to treat Witness [redacted] hands. Subject Rodriguez told him after he removed the handcuff, Suspect [redacted] assaulted a paramedic. Subject Rodriguez punched Witness [redacted] in the face to stop his assaultive behavior. Witness Bergo then telephonically notified the Lancaster Watch Commander (myself) of the details of the force incident, as it was reported to him by Subject Rodriguez.

Witness Bergo interviewed Witness Kahle, Witness [redacted] Witness Mills, Witness Jerzek and Witness [redacted], as part of his force investigation. Their statements supported Subject Rodriguez's statements as to the factors which led to the application of force, and the force itself. He said his observations where the reported force occurred was consistent with Subject Rodriguez's and the witness' statements. Witness Bergo had observed the odd behaviors of Witness [redacted] and believed he was under the influence of a "CNS stimulant, 'bath salts,' or possibly PCP." Witness Bergo completed a Supervisor's Report on the Use of Force regarding this incident (Exhibit D).

The following day, Subject Rodriguez contacted him and stated he had provided false statements about the entire force incident, and said Suspect [redacted] was handcuffed when he punched Suspect [redacted]. Witness Bergo notified Witness Wainie of the change in the details of the reported force.

Witness: Sergeant Kevin Pearcy

On March 20, 2014, at 1900 hours, I interviewed Witness Kevin Pearcy at the Lancaster Sheriff's Station.

Prior to the interview, Witness Pearcy was provided an Admonition for Witnesses Form, which he reviewed, signed, and said he understood. Witness Pearcy answered and marked "Yes" to the two questions on the form regarding if he had the Policy and Ethics Chapter of the Manual of Policy and Procedures and was familiar with its contents. I initialed the markings. The following is a summation of that interview:

On November 9, 2013, he was working as a Field Sergeant and had responded to an "assistance" request by Subject Rodriguez. Upon his arrival, Witness [redacted] was being pinned on the ground by Deputy Perez and Subject Rodriguez. Witness Pearcy stated Subject Rodriguez "seemed very excited" and wanted to make a force notification to both him and Witness Bergo before Witness [redacted] had been secured in the radio car.

Subject Rodriguez told him Witness [redacted] had one hand unhandcuffed when Suspect [redacted] assaulted the paramedic. He reacted to the assault by punching Witness [redacted] in the face one time. Witness Pearcy said a determination was made that Witness Bergo would conduct the force investigation, and he did not interview any of the witnesses.

Witness: Los Angeles County Fire Paramedic Cole Kahle

On February 22, 2014, at 1805 hours, I interviewed Witness Cole Kahle at Fire Station #135 in Lancaster. The following is a summation of that interview:

He was working as a Fire Paramedic and responded to [redacted] Sunview Court in Lancaster on November 9, 2013, regarding an injured person. He first saw Suspect [redacted] as he sat handcuffed in the back seat of a radio car. Suspect [redacted] displayed symptoms of being under the influence of drugs.

Witness Kahle asked that Witness [redacted] be removed from the radio car so he could medically evaluate the prisoner. He said he was facing the handcuffed Witness [redacted] who was about two feet away from him. Subject Rodriguez stood behind and off to the side of Witness [redacted] While he was interviewing Witness [redacted] Witness [redacted] suddenly lunged at him and "head-butted" him in the face. He described the assault as deliberate and said it forced him to take several steps backward to avoid further assault.

At that moment, Witness [redacted] stepped forward and grabbed Witness [redacted] by the shirt and pushed him backwards against the door of the radio car. Witness [redacted] pinned Witness [redacted] against the door and struggled with him. He said Subject Rodriguez started to react to the assault "the second" Witness [redacted] grabbed Witness [redacted].

Witness Kahle said he did not see Subject Rodriguez' punch, as he was backing up and Witness [redacted] had stepped forward, blocking his view. He was later told Subject Rodriguez had punched Witness [redacted]

Witness: Los Angeles County Fireman Engineer Corey Mills

On February 22, 2014, at 1830 hours, I interviewed Witness Corey Mills at Fire Station #135 in Lancaster. The following is a summation of that interview:

He was assisting his partner, Witness Kahle, in a medical evaluation of Witness [redacted] He described Witness [redacted] as acting agitated and said he appeared to be under the influence of an unknown type drug. Witness [redacted] was handcuffed and sitting in the back seat of the radio car. They asked Subject Rodriguez for Witness [redacted] be unhandcuffed in order to evaluate his injured hands. Subject Rodriguez had Witness [redacted] exit the radio car and stand handcuffed near the rear passenger door of the radio car.

Witness Mills stood behind his partner and held a flashlight to illuminate the clipboard his partner was writing on. Subject Rodriguez stood at an angle to Witness Kahle, looking at Witness [redacted] He estimated Deputy Rodriguez was standing within a couple of feet of Witness [redacted]. Witness Mills said Witness [redacted] suddenly lunged forward and "head-butted" Witness Kahle in the face.

Witness Mills stated he didn't remember what Witness [redacted] did to control Witness [redacted] but stated Subject Rodriguez started to react to the threat immediately. He said Subject Rodriguez started to react towards Witness [redacted] "at the same time, or immediately after" Witness [redacted] head-butted Witness Kahle. He said the actions of Witness [redacted] pushing Witness [redacted] backwards and Subject Rodriguez punching Witness [redacted] was almost instantaneous. It was his opinion that Witness [redacted] was continuing to act hostile at the time Subject Rodriguez struck him. After Witness [redacted] was punched, he saw Witness [redacted] fell to the ground.

Witness: [redacted]

On March 3, 2014, at 1355 hours, I interviewed Witness [redacted] at the Lancaster Sheriff's Station. The interview was digitally recorded. The following is a summation of that interview:

He was the ambulance company supervisor for AMR and responded to an assault call on Sunview Court. He stood next to Witness Kahle as Witness Kahle interviewed Witness [redacted]. Witness Kahle asked Subject Rodriguez if Witness [redacted] could be unhandcuffed, so the paramedic could evaluate Witness [redacted] injured hands. Subject Rodriguez stated they he would unhandcuff Witness [redacted]. He stated Witness [redacted] appeared agitated and irritated, and stood with his chest out and his chin elevated, and was not acting "rational."

Witness [redacted] was standing facing Witness Kahle and Witness [redacted] and was answering questions about his injuries. Witness [redacted] and the others were standing within one to two feet of Witness [redacted] who was handcuffed. Witness Rodriguez was standing slightly behind and to the left side of Witness [redacted]. Witness [redacted] suddenly lunged a few steps forward and "head-butted" Witness Kahle in the face.

Witness [redacted] stated he reacted instinctively and grabbed Witness [redacted] by the shoulders and pushed him backwards, pinning him against the radio car. Witness [redacted] pushed back against him. He remembered formulating a thought that he was going to be forced to sweep Witness [redacted] legs out from underneath him in order to stop his aggression, as he believed he was still vulnerable to assault from Witness [redacted]

It was at that moment Subject Rodriguez came in from his right side and punched Witness [redacted] one time in the face. He estimated the entire time he starting to push Witness [redacted] backward until Witness [redacted] was punched was less than three seconds.

Witness [redacted] described Witness [redacted] assault of Witness Kahle as deliberate and intentional. He described the sequence of actions from the time he started to push Witness [redacted] backwards until Subject Rodriguez assisted him to help control Witness [redacted] was "almost instantaneous." He believed Subject Rodriguez started to react to Witness [redacted] actions after the assault about the same instant he did. He stated Subject Rodriguez's action were appropriate, as Witness [redacted] was assaultive.

Witness: Fire Captain Scott Jerzek

On March 3, 2014, at 1540 hours, I interviewed Witness Scott Jerzek at the Fire Station #135 in Lancaster. The interview was digitally recorded. The following is a summation of that interview:

He was standing with Witness Kahle, Witness [redacted] and Subject Rodriguez. They all were looking at the handcuffed Witness [redacted] and were about one foot away from him. Witness [redacted] suddenly and deliberately stepped forward and "head-butted" Witness Kahle in the face. Witness [redacted] grabbed Witness [redacted] and pushed him backwards towards the radio car. Witness [redacted] was resisting and yelling. Subject Rodriguez "immediately" punched Witness [redacted] after Witness [redacted] pushed Witness [redacted] against the radio car.

Witness Jerzek said Witness [redacted] appeared to be "on something" and under the influence of some type of drug. He described Witness [redacted] as continuing to act aggressive and violent, even after he was grabbed by Witness [redacted]

Witness: Deputy Estevan Perez

On February 27, 2014, at 2030 hours, I interviewed Witness Perez in the Watch Commander's Office at the Lancaster Station. The interview was digitally recorded. The following is a summation of that interview:

Prior to the interview, Witness Perez was provided an Admonition for Witnesses Form, which he reviewed, signed, and said he understood. Witness Perez answered and marked "Yes" to the two questions on the form regarding if he had the Policy and Ethics Chapter of the Manual of Policy and Procedures and was familiar with its contents. I initialed the markings.

Deputy Perez stated on November 9, 2013, he responded to an "assistance" call made by Subject Rodriguez. Upon his arrival, he found the situation was secure and saw Witness [redacted] was handcuffed and sitting in the back seat of Subject Rodriguez's radio car. He said the paramedics wanted to treat Witness [redacted] hands, so they asked Suspect Rodriguez if he could be unhandcuffed.

Witness [redacted] exited the radio car, and stood handcuffed by the rear passenger door. Witness Perez went a short distance away in order to obtain medical gloves from a fireman and was putting them on, when he heard Subject Rodriguez yell something. He looked back to where Witness [redacted] Subject Rodriguez, and the firemen were standing and saw Witness [redacted] falling to the ground in a seated position.

He went to the handcuffed Witness [redacted] and knelt down on legs, as Witness [redacted] was kicking his legs and had attempted to kick him. He applied the Ripp Hobble to Witness [redacted] ankles.

Witness Perez stated he was unsure where exactly Subject Rodriguez was standing in relation to Witness [redacted] at the moment Witness [redacted] assaulted the paramedic. He did not see the assault on the paramedic by Witness [redacted] nor did he see Subject Rodriguez punch Witness [redacted] Deputy Perez stated Witness [redacted] behavior was uncooperative, assaultive and "weird acting." Witness Perez believed Witness [redacted] was under the influence of "bath salts."

Witness Perez reported his use of force to Sergeant Bergo and prepared a supplemental report documenting his observations and actions. (Exhibit E)

<u>Witness:</u> Deputy Lewis Orantes

On June 28, 2014, at 2030 hours, I interviewed Witness Orantes in the Watch Commander's Office at the Lancaster Station. The interview was digitally recorded. The following is a summation of that interview:

Prior to the interview, Witness Orantes was provided an Admonition for Witnesses Form, which he reviewed, signed, and said he understood. Witness Orantes answered and marked "Yes" to the two questions on the form regarding if he had the Policy and Ethics Chapter of the Manual of Policy and Procedures and was familiar with its contents. I initialed the markings.

Deputy Orantes stated on November 9, 2013, he responded to an "assistance" call made by Subject Rodriguez. Upon his arrival, he found the situation was secure and saw Witness [redacted] was handcuffed and lying on the ground. Subject Rodriguez was holding Witness [redacted] down by placing a knee on his upper back, and Witness Perez was holding his hobbled feet.

Witness Orantes said he did not witness any force by Subject Rodriguez or Witness Perez. He said Witness [redacted] was yelling and sweating, and appeared to be

disoriented. Witness [redacted] was placed on a gurney and transported to a local hospital for treatment.

Witness Orantes reported his observations to Sergeant Burgo and documented his actions and observations in a supplemental report (Exhibit F).

<u>Subject:</u> Deputy Daniel Rodriguez # [redacted]

On March 26, 2014, at 1800 hours, I interviewed Subject Rodriguez in the conference room at the Lancaster Station. The interview was digitally recorded. Lt. Martinez and I conducted the interview. Subject Rodriguez's labor representative, Attorney Audra Call, from the law firm of Green and Shinee, was present during the interview. The following is a summation of that interview:

Prior to the interview, Subject Rodriguez was provided an Administrative Rights Form, which he reviewed and said he understood. On the advice of his attorney, he did not sign the form. Subject Rodriguez acknowledged the two questions on the form indicating he had a Policy and Ethics Chapter of the Manual of Policy and Procedures and was familiar with its content. Subject Rodriguez answered "Yes" to both questions and he marked the form in the "Yes" box. I initialed the markings.

I asked Subject Rodriguez if he remembered this incident on November 9, 2013. He said he did.

Subject Rodriguez stated he has been a Deputy Sheriff for six years. His previous work assignments included [redacted] and [redacted] prior to being assigned to Lancaster Station in November of 2012. He completed patrol training in [redacted].

Suspect Rodriguez said a force incident occurred in which he punched Witness [redacted] in the face. Sergeant Bergo arrived and conducted a force investigation. Suspect Rodriguez told Sergeant Bergo Witness [redacted] was unhandcuffed and was standing outside the rear door of the radio car. He said Witness [redacted] "head-butted" Witness Kahle in the face.

Suspect Rodriguez said he provided false statements to Witness Bergo when he told him Witness [redacted] was unhandcuffed and was in fact, still handcuffed with both of his hands behind his back.

A few hours later at his residence, he spoke via telephone to Lieutenant Wainie. He told Lt. Wainie that Witness [redacted] had one hand unhandcuffed when he punched Witness [redacted].

The next day, he contacted Witness Bergo and told him he had made false statements when he reported Witness [redacted] was unhandcuffed when he punched him. He contacted Lieutenant Wainie and told him he had provided false statements to him also, when he told Lieutenant Wainie Witness [redacted] had one hand unhandcuffed when he punched him.

In summation, Subject Rodriguez admitted he provided false statements to Witness Bergo during the force investigation and again to Witness Wainie regarding Witness [redacted] being unhandcuffed at the time he punched him.

Subject Rodriguez said at the time of the initial conversation with Witness Bergo he felt "confused" and mistakenly believed his use of force (striking a handcuffed suspect) was in violation of the Department's Force Policy. He said he was "scared" and didn't know how to articulate his actions of punching a handcuffed suspect. He admitted he was unsure of the Department's Force Policy and was scared he would be subject to discipline.

Subject Rodriguez stated after he had taken time to think about his statements, he sought out the supervisors he provided the false statements to and told them the truth, because he did not want to submit an inaccurate report and wanted them to know the truth. He said he accurately reported his force in his written report, which he submitted on November 10, 2013. (Exhibit D)

In regards to his application of force, Subject Rodriguez said he believed this was his third use of force while assigned to patrol. He believed Witness [redacted] was under the influence of a drug, possibly "methamphetamine or bath salts." Witness [redacted] was acting "fidgety" and was mumbling random numbers. Witness [redacted] was sweating and complained of shortness of breath.

Subject Rodriguez had the handcuffed Witness [redacted] exit the radio car and stand near the rear of the radio car, so paramedics could evaluate and treat him. He stood to the rear of Witness [redacted] and held onto the handcuffed left hand of Witness [redacted] with his left hand. Witness [redacted] broke free of his grasp and assaulted the paramedic. Witness [redacted] reacted to the assault of Witness Kahle by pushing Witness [redacted] backwards against the radio car.

Subject Rodriguez said Witness [redacted] was yelling and acting erratic and was now facing him. He believed Witness [redacted] was assaultive and still capable of a violent, ongoing assault and he feared he and Witness [redacted] were about to be assaulted.

Subject Rodriguez said he used a force option readily available to him, and punched Witness [redacted] with his right hand, striking him on the left side of the face. He estimated

the entire length of time from the initial assault of the paramedic, until he punched Witness [redacted] to be between two to three seconds. The force of the punch caused Witness [redacted] to stop his aggression and fall on the ground, with his back against the radio car.

Subject Rodriguez said after thinking about his dishonest statements, he knew he did not want to be deceitful, and was going to write a report which accurately reported Witness [redacted] was handcuffed. He said he believed he was able to justify his force measure after he went home and thought about the force incident.

He stated he wanted to accurately report the entire incident. He sought out Witness Bergo to report what really occurred, although he was still not sure if he had violated Department Policy by striking the handcuffed suspect. Subject Rodriguez expressed remorse for his dishonesty, and apologized for his behavior.

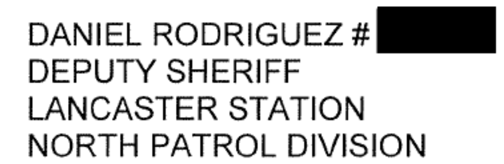
Conclusion

Subject Rodriguez was detaining a suspect (Witness [redacted]) in the backseat of his radio car. Witness [redacted] was handcuffed. Witness [redacted] exited the back seat in order for paramedics to evaluate and treat injuries to his hands. While being medically evaluated by Witness Kahle, Witness [redacted] "head-butted" him in a deliberate assault. Witness [redacted] pushed Witness [redacted] backwards against the radio car. Subject Rodriguez assisted Witness [redacted] and punched Witness [redacted] one time, on the left side of his face, in order to end the assaultive actions of Witness [redacted]

Subject Rodriguez called for "assistance" and controlled Witness [redacted] on the ground, with the help of Witness Perez. Witnesses Bergo, Pearcy and Orantes responded to his location. He provided false statements to Witness Bergo and Witness Pearcy, telling them he had unhandcuffed one of Witness [redacted] hands, prior to Witness [redacted] assaulting Witness Kahle.

Later that evening, Subject Rodriguez again provided false statements to Witness Wainie, and stated Witness [redacted] had been unhandcuffed. The next day, he contacted Witness Bergo and admitted he had provided false statements regarding Witness [redacted] having one hand unhandcuffed. Subject Rodriguez then contacted Witness Wainie and admitted he had provided false statements regarding Witness [redacted] being unhandcuffed at the time of his force incident. Witness Wainie requested an Administrative Investigation.

Note: Both Witnesses, AMR Supervisor [redacted] and Fire Fighter Engineer Mills saw a female black adult possibly videotaping the incident with her phone. They identified the



house, [redacted] Lancaster and provided a brief description of the woman to Sergeant Pearcy, who was the first supervisory to respond to Deputy Rodriguez's assistance request. Sergeant Pearcy briefly interviewed a resident at that location, who was later identified as Ms. [redacted] Ms. [redacted] told Sergeant Pearcy she was home at the time of the incident, and stepped out of her house to watch the incident. She did not see the force application and did not video tape the incident. Sergeant Pearcy told me Ms. [redacted] was "less than friendly" and seemed offended by his question if she had videotaped the incident.

Sergeant Pearcy relayed Ms. [redacted] comments to Sergeant Bergo. Sergeant Pearcy and Bergo recontacted her at her front door. Sergeant Bergo videotaped his interview with Ms. [redacted] Ms. [redacted] stated to Sergeant Bergo she did not witness an altercation between deputies and the suspect, nor did she videotape the incident.

PAN:PHP:pp